

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8095 of 2025

Arising Out of PS. Case No.-75 Year-2024 Thana- ABADPUR District- Katihar

Narju @ Arzoo @ Md. Arajoo Son of Md. Taj @ Taj @ Taj Mohammad @
Tajo @ Md. Taje Resident of Village- Laguwa, P.S.- Abadpur, Distt.- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Aminul Haque Son of Late Abdul Hamid R/o Village- Laguwa Sankola,
P.S.- Abadpur, District- Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad
For the Opposite Party/s : Mr. Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 06-03-2025
1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in Abadpur P. S. Case No.75 of 2024 registered for the
offences punishable under Sections 137(2), 96, 3(5) of the B. N.
S. and under Section 4 of the POCSO Act.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
informant alleges that accused persons including the petitioner
kidnapped his minor daughter.

4. The learned counsel for the petitioner submits that
petitioner has been falsely implicated in the instant case by the



informant. It is next submitted that victim was recovered and her statement was recorded under Section 180 of the B.N.S. wherein she has not supported the case of the prosecution, but then, it is fairly submitted that the statement of the victim was also recorded under Section 183 B.N.S. wherein she took a U-turn and stated that she was kidnapped by the petitioner and confined in a village where he even tried to commit rape. It is next submitted that the victim while getting her statement recorded under Section 183 B.N.S., at that time, she was under her parents control, hence she was pressurized to implicate the petitioner. It is also submitted that there is a delay of five days in instituting the instant FIR.

5. Learned A.P.P. opposes the anticipatory bail application and submits that even if the victim did not support the case of the prosecution in her statement recorded under Section 180 B.N.S., in that event, the same will not come to the rescue of petitioner for the reason that statement recorded before the police does not have any evidentiary value. It is also submitted that even presuming what is being submitted by the learned counsel for the petitioner to be true, but then, from perusal of the allegation as alleged in the FIR, it would manifest that there is a specific allegation against this petitioner of



kidnapping the victim, who was a minor as her date of birth is 04.02.2008 and the victim, in her statement recorded under Section 183 B.N.S., has supported the case of the prosecution. The learned A.P.P. next submits that one can well imagine the plight of a father whose minor daughter has been kidnapped, as such, it appears that there was some delay in instituting the FIR.

6. Considering the submissions made by the learned A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. The prayer of the petitioner for anticipatory bail stands rejected.

(Satyavrat Verma, J)

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